

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD L. KELLY,

Defendant.

8:22CR125

ORDER SETTING CHANGE OF PLEA HEARING

The Court has been advised that the defendant requests permission to enter a plea of guilty. The Court is further advised that the defendant will consent to Magistrate Judge Michael D. Nelson conducting the hearing on the plea of guilty.

IT IS ORDERED that:

1. This case, insofar as it concerns this defendant, is removed from the trial docket based upon the request of the defendant.

2. A hearing on the defendant's anticipated plea of guilty is scheduled before Magistrate Judge Michael D. Nelson on **Tuesday, December 19, 2023** at the hour of **10:00 a.m.** in Courtroom No. 6, Second Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska.

3. At least seven (7) working days in advance of the plea proceeding above, counsel for plaintiff and for defendant shall provide to the undersigned magistrate judge a copy of the following: a) a copy of the Petition to Enter A Guilty Plea; b) a copy of any plea agreement; and c) a copy of any charging document not yet on file. **Failure to meet this deadline will cause the plea proceeding to be cancelled.**

4. On or before the date for the plea proceeding, counsel for plaintiff and for defendant shall provide to the assigned probation officer their respective versions of the offense for purposes of preparing the presentence investigation report.

5. For this defendant, the time between **today's date** and the hearing on the anticipated plea of guilty **is excluded** for purposes of computing the limits under the Speedy Trial Act. See 18 U.S.C. § 3161(h)(1)(G) & (h)(7)(A).

6. If the defendant is not proficient in the English language, then the defense counsel must arrange for the person who translated the petition and plea agreement to be present for entry of the plea **OR** shall present a completed "DECLARATION OF INTERPRETER (TRANSLATOR)" form available from the courtroom deputy clerk.

7. **Counsel shall have their calendars available at the change of plea hearing in order to schedule the sentencing hearing.**

Dated this 8th day of November, 2023.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge